

REMARKS

Applicants have received the Office Action dated May 7, 2007 in which the Examiner: 1) objected to claims 26-30; 2) rejected claim 4 as allegedly directed to non-statutory subject matter; and 3) rejected claims 1-8, 15-22 and 25-30 as allegedly anticipated by Furukawa (U.S. Publication No. 20010054034).

With this Response, Applicants amend claims 26-30. Reconsideration is respectfully requested.

I. CLAIM OBJECTIONS

The Office action objects to claims 26-30 for use of the "computer-readable media". With this Response, Applicants amend the claims as suggested by the Office action. It is noted that these amendments are not narrowing amendments.

II. SECTION 101 REJECTION

The Office action rejects claim 4 as allegedly directed to non-statutory subject matter. In formulating Section 101 rejections, the Manual of Patent Examining Procedures (MPEP) admonishes that the claim as whole must be considered (every limitation), and that it is improper to dissect the claimed invention.

[W]hen evaluating the scope of a claim, every limitation in the claim must be considered. Office personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation.

(MPEP 8th Ed., Rev. 3, August 2005, Section 2106, p. 2100-9 (emphasis original)). Claim 4 depends directly from claim 1, and by virtue of the dependency has all the limitations of claim 1. The Office action does not reject claim 1 regarding non-statutory subject matter, and thus it appears the Office action is improperly dissecting the claim 4 in arriving at the non-statutory rejection. Claim 4 is statutory for at least the same reasons as claim 1.

III. ART-BASED REJECTIONS

Applicants respectfully submit the Office action fails to make a *prima facie* case of anticipation with respect to claim 1. Claim 1 recites “a first processor that executes a first program; ... a second processor coupled to the memory device, the second processor executes a garbage collector to free a portion of unused memory in the memory device.” The Office action relies on Furakawa’s paragraphs [0172] and [0456]. The discussion at [0172] speaks to a single processor executing a plurality of programs, and fails to expressly or inherently teach a second processor. The discussion at [0456] on its face discusses a virtual multiprocessor.

Similar to virtual multiprocessor 100 in the first embodiment, virtual multiprocessor 400 is a processor that executes a plurality of programs in a pseudo-parallel manner.

(Furakawa Paragraph [0456]). If a second processor was present in Furakawa, there would be no need for a virtual multiprocessor. Thus, not only does Furakawa fail to expressly or inherently teach a first and second processors, but even if the rejection of the Office action is changed to an obviousness rejection over Furakawa, Furakawa teaches away having multiple processors. For this reason alone the rejection should be withdrawn and claims set for issue. The Office action is similarly deficient with respect to independent claims 15 and 26.

Claim 1 further recites, “a counter coupled to the memory device and the first processor, wherein a value of the counter is indicative of memory consumption of memory of the memory device by the first program.” The Office action relies on Furakawa paragraphs [0172] and [0360] for the counter, paragraph [0147] regarding memory consumption, paragraph [0863] regarding unused memory and paragraph [0924] regarding garbage collection. Apart from the fact that the Office action cites Furakawa spanning 800 or so paragraphs to allegedly evidence this single limitation, there is no logical connection between the cited locations. Paragraph [0172] and [0360] speak to registers, but the register groups of paragraph [0172] do not appear to be same as the counters of paragraph [0360], and in no way relate to memory consumption. Contrary to the

assertion of the Office action, paragraph [0147] fails to even mention memory consumption.

Here, the processor may further include a first detecting unit operable to detect an occurrence of a suspend-cause that results in the program execution being suspended; a second detecting unit operable to detect a cancellation of the suspend-cause; and a power-consumption reducing unit operable to reduce a power consumption of hardware for executing programs. Furthermore, when the occurrence of a suspend-cause relating to a program for execution is detected, the program execution unit may relinquish, until the suspend-cause is cancelled, an execution period to be allotted for execution of the program, and the power-consumption reducing unit may perform the reducing for a duration that the relinquishing is performed.

(Furakawa Paragraph [0147]). Contrary to the assertion of the Office action, paragraph [0863] fails to even mention unused memory.

At this time, in TS0, a time period t3 equating to a set execution timeframe remains unused.

(Furakawa Paragraph [0863]). Although paragraph [0924] does indeed contain the term "garbage collection", there is no indication that the garbage collection is in any way related to the registers and/or counters of paragraphs [0172] and [0360] or unused memory. Finally, while paragraph [0287] does indeed speak to triggering, there is no connection between the triggering and garbage collection of paragraph [0924], the registers of paragraphs [0172] and [0360] and/or unused memory. For these additional reasons the Office action fails to make a *prima facie* case of anticipation, and thus the rejections should be withdrawn and the claims set for issue. The Office action is similarly deficient with respect to independent claims 15 and 26.

IV. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining

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the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to the Texas Instruments, Inc. Deposit Account No. 20-0668.

Respectfully submitted,

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